

Appl. No. 10/046,634  
Amendment and/or Reply  
to the Office Action of 4 August 2005

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## **2. REMARKS / DISCUSSION OF ISSUES**

Claims 1-15 are pending in the application. Claims 10-15 are new. It is believed that no additional fee is due for the added claims as the total number of claims is less than twenty and there are fewer than 3 independent claims.

Unless indicated otherwise, claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language.

### **I. Allowable Subject Matter**

Applicants gratefully acknowledge the indication of allowability of the subject matter claims 3-7.

### **II. Rejection under 35 U.S.C. § 103(a)**

Claims 1, 2, 8 and 9 were rejected under 35 U.S.C. § 102(a) as being anticipated by *Tairo, et al.* (WO 00/79519 A1). For at least the reasons set forth herein, it is respectfully submitted that this rejection is improper and should be withdrawn.

A basic goal of examination as set forth in MPEP § 706 is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. Applicants respectfully submit that a rejection has not been clearly articulated.

For example, in the rejection of claim 1, the Office Action asserts that an error matrix is provided through the table on page 6 of *Tairo, et al.* Notably, the table on page 6 includes sets of linked components. By contrast, the calculating unit of claims 1 and 10 usefully generates similarity matrices. These matrices may then be used by the generating unit to generate linking information. Thus, the matrix is an operand of an operation used to generate the linked components. It is unclear and it

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is not clearly articulated in the Office Action how the table of page 6 of the reference to *Tairo, et al.* relates to the calculating unit of claim 1:

Moreover, in the rejection of claim 8, the Office Action relies on page 5, line 10 through page 7, line 10 of *Tairo, et al.* for the disclosure of a sinusoidal estimating unit. However, one is left to wonder what element of the disclosure of *Tairo, et al.* is the sinusoidal estimating unit.

Respectfully, Applicants have paid the appropriate claim fees for this application. Applicants are entitled to a full and complete examination of each and every pending claim, including all features recited therein. If the Examiner cannot cite prior art taken alone or in combination which would have produced the linking unit, parametric encoder and method of claims 1,2,8 and 9, then Applicants respectfully submit that they are entitled to an allowance of their claims as a matter of law. Accordingly, the Examiner is respectfully requested to cite something in the prior art disclosing the device including all of the features recited in the various claims 1, 2, 8 and 9 or else allow Applicants' claims.

### III. Conclusion

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

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Respectfully submitted,



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**This paper includes (each beginning on a separate sheet):**

- 1. Amendments to and/or listing of the claims;**
- 2. Remarks/Discussion of Issues.**

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